THE Duties of Conſtables, Borſholders, Tithingmen, and ſuch other lowe Miniſters of the Peace.

Whereunto be alſo adioyned the ſeuerall offices of Churchwardens: of Surueyors for amending the high wayes: of Diſtributors of the prouiſion for noyſome Fowle and Vermine: of the Collectors: Ouerſeers: and Gouernors of the Poore: and of the Wardens and Collectors for the houſes of Correction.

Collected and penned by *William Lambarde* of Lincolnes Inne Gent. 1582

Imprinted at London by Rafe Newberie and Henrie Middleton. 1583.

NOV 11 1911

The duties of Conſtables,

Borſholders, Tythingmen, and ſuch other lowe miniſters of the Peace.

VNderſtanding by ſundrie friendes of mine, that manie well diſpoſed men doe earneſtly wiſh, that ſome one ſhort and plaine collection might be made of the dueties of high Conſtables, petie Conſtables, Borſholders, Tythingmen, Headborowes, and ſuch like inferiour miniſters of ẏ Quenes Maieſties peace, to the end ẏ when any of them ſhould bee called to any of the ſaid offices (or the like) they might the better behaue themſelues in doing the ſame: I haue thought it a thing worthie ẏ labour, to ſend abroad among them this litle treatiſe, which I haue drawen to ſatiſfie in ſome part their honeſt deſire: par- 1. The preface.

tily praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may be amended in the practise of the same, to the setting forth of the glorie of god, & to the aduancement of the Quenes Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withal, as the matter thereof it selfe wil suffer me, & as the vnderstãding of vnlearned men both require: I wil first speak somewhat, both of the sundry names and beginnings of these officers, and then afterward I wil goe in hand with the partes of their seuerall dueties.

The names of these officers.

3 The sundrie names of Constables or high Constables that be of Lathes, Rapes, Wapentakes, hundreds, & Franchises: and the diuerse names also of Constables, petis Constables, Tythingmen, Borsholders, Borowheades, Headborowes, chiefe pledges, & such other (if there be any) that beare office in townes, parishes, hamlets tythings or borowes) for of Constables of Castels, otherwise called Castellanes, & such others I meane not to intreate) are all in effect but two, that is to say, Constables & Borsholders: for these two wordes do containe as

as much as all the rest of those names, and to those two may all the rest of them bee well brought; and therefore, in speaking seuerally of those two, I will passe along & touch all the rest also.

4 The name Constable, is made (as I haue read) of two English words put together, namely, Cuning (or Cyng) & Staple, which doe signifie, the stay (or holde) of the king. For by the auncient custome of this realme there is a great officer called ẏ Cōstable of *England*, who by meanes of ẏ great auctoritie that he had, was a principall stay vnto the Kings gouernment: and this man had iurisdiction and auctoritie in deedes of Armes, and matters of war, both within and without the Realme. Out of which office, this lower Constableship was at the first drawne & fetched, and is (as it were) a verie finger of that same hande. For the statute of *Winchester*, which was made in the time of King Edward the first, and by which these lower Constables of hundreds and Franchises were first ordained, doth (amongst other things) appoint, that for ẏ better keeping of the peace, two Constables in euerie Hundred and Franchise, shoulde make the viewe of Armour.

Cōstables, name.

R.2.ca.

E.1.

His beginning.

So then, the name of Constable in a hun-

dred or franchise doth meane, that he is an Officer, that supporteth the Queenes maiestie in the maintenance of her peace, within the precinct of his hundred, or franchise: and he is many times called the high Constable, in comparison of the Constables, or Petie Constables that be in the townes or parishes within his hundred or franchise, whose part it lykewise is, to maintaine the peace within the seuerall limits of their owne townes, or parishes.

Borsholders name

5 As touching Borsholder, which is the other generall name, it doth containe within it the meaning of Tythingmen, Borowheades, Headborowes, Thirdborowes, and chiefe pledges, that also is made vp of these two English wordes, Borhes, and Ealder, of the which, Borhes betokeneth pledges, and Ealder signifieth the Chiefe, the Head or the Elder: and so Borhesealder in one worde, doeth meane the chiefe, or head of the suerties, or pledges.

His two offices.

6 But now, that you may the better vnderstand what is meant by this, you must further knowe, that euerie of these Borsholders. Tythingmen, Borowheades, Headborowes, Thirdborowes, and chief pledges, hath two seuerall offices at this day: the one being his auncient and first

office,

office, and the other his latter made office.

His firſt office.

7 His firſt office beganne thus: by the auncient lawes of this realme (before the comming in of King William the Conquerour) it was ordained for the more ſure keeping of the peace, and for the better repreſſing of theeues and robbers, that all free borne men ſhoulde caſt themſelues into ſeuerall companies, by tenne in each company: and that euery of thoſe tenne men of the company, ſhoulde bee ſuertie & pledge for the forth comming of his fellowes: ſo that if any harme were done by any of theſe tenne againſt the peace, then the reſt of the tenne ſhoulde be amerced, if he of their company that did harme ſhould flie, and were not forth-comming to anſwere to that wherewith he ſhoulde bee charged.

And for this cauſe, theſe companies be yet in ſome places of England (and namely with vs in *Kent*) called Boroes of ỳ ſaid word Borhes, Pledges, or Suertie: albeit in the weſterne partes of the realme they be commonly named Tythinges, becauſe they containe (as I tolde you) the number of tenne men with their families. And euen as tenne times tenne doe make an hundred, ſo, becauſe it was thē alſo appoin-

ted that twice of these companies shoulde at certaine times meete together for their matters of greater weight, therefore that generall assemblie (or court) was (& yet is) called a Hundred.

Furthermore it was thē also ordained that if any man were of so vnil credite, y^t he could not get him selfe to be received into one of these Tythings or Borees, that thē he should be shut vp in prison, as a man vnwor-thy to liue at liberty amongst men abroad.

Tything man. Headborow, &c.

8 Now where as euery of these Tithings (or Borees) did vse to make choise of one mā amongst themselues, to speake and do in ye name of them all: he was therefore in some places called the Tythingman, in other places the Borees Ealder, (whom we now call Borsholder) in other places the Boroehead, or Headboroe, and in some other places the Chiefe pledge, which last name doth plainly expound the other three that are next before it: for Head or elder of the Borees, and chiefe of the pledges be all one. And in some shyres where euerie third borow hath a Constable, there the officers of the other two be called Thirdboroes.

Olde orders in Tythings.

9 Moreouer, in these Tythings (or boroes) sundrie good orders were obserued, amongst others these: first that euery mā of the

l.45. the age of 12. yeres should be sworne to the
l.3.27. King: then, that no man should be suffered
Kitch. to dwel in any towne or place, vnlesse hee
l.12. were also receiued into some such suretie-
ship & pledge as is aforesaid. Thirdly, that
if any of these pledges were imprisoned for
his offence, that then he ought not to be de-
liuered without the assent of the rest of his
pledges: Again, that no man might remoue
out of one Tything (or Boroe) to dwel in a-
nother, without lawfull warrãt in that be-
half: lastly, that euery of these pledges shold
yeerely be presented and brought forth, by
their chief pledge at a general assemblie for
that purpose, which we yet in (remẽbrance
thereof doe cal, the View of Franke pledge,
or the Leete Court.

10 Hitherto I haue opened ẏ auncient
office of the Borsholder, Tythingman, & the
rest, whereof also there is yet to this day
some shew or remnãt in our Leets or Law-
dayes: but if ẏ verie substance thereof were
thoroughly performed (as I know no let,
but that by law it may) thẽ should ẏ peace
of the land be much better maintained.

As touching the latter office ẏ these Bor- His latter office.
sholders, Tythingmen, Headboroes, Boro-
heads, Thirdboroes, & chiefe pledges haue,
it is in maner all one with ẏ office of a Cõ-

stable of a towne, or parish, which is commonly named a Petie Constable, or vnder-Constable, because he is a small Constable, in respect of the Constable of his Hundred, within whose limit he is. For, as about ỹ beginning of the raigne of King Edwarde the third, petie Constables were deuised in townes & parishes for the aide of the Constables of the Hundreds: so of latter times also, Borsholders, Tythingmen, Headborroes, and such lyke, haue bin vsed as petie Constables within their owne borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their old office. For in some of the Westerne parts of *England*, you shall see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the Queene, and the reste doe serue but as the auntient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the partes of their dueties.

Diuision of their office.

¶ For as much as a great and chiefe parte of the duetie both of these high Constables of Lathes, Rapes, Wapentakes, Hundreds, and Franchises, and also of these Constables, Petie Constables, Tything-

thingmen, Borſholders, Borowheades, Headborowes, Thirdborowes, chiefe pledges, and ſuch lyke miniſters, by whatſoeuer other names they be called in any townes, pariſhes, Tythings, Borowes, Hamlets, or other places of the Realme, doth conſiſte in the maintainance of the Queenes Maieſties peace, wherein (as alſo in ſome other pointes) the power of them al is alike, & but one, within their ſeuerall limits and places of authoritie: therefore I thinke it good to ſhew, firſt what their common and equall duetie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie of others: then afterward to declare, what their common and like duty is in ſome other things, not concerning the peace: and laſtly, to open thoſe thinges wherein they haue a diſtinct and ſeuerall duetie one from an other.

Their office concerning ỹ peace.

12 The Conſeruation (or maintainance) of the Peace, ſtandeth in three thinges, that is to ſay, firſt, in foreſeeing that nothing be done that tendeth, either directly, or by meanes, to the breach of the peace: ſecondly, in quieting or pacifying thoſe ỹ are occupied in the breach of the peace: & thirdly, in puniſhing ſuch as haue alreadie broken

ken the peace.

What is the breach of the peace.

And here, least any man shoulde be deceiued in not vnderstanding what is ment by these words, The breach of the Peace, he must first of all know, that by the breach of the peace, is vnderstoode, not only that fighting which we commonly cal the breach of the peace, but also that euery murder, rape, manslaughter, & felony whatsoeuer, and euery affraying (or putting in feare) of the Queenes people, whether it be by vnlawful wearing of armour or by assembling of people to doe any vnlawful acte, are taken to bee disturbances or breaches of the Peace.

To preuēt things against the peace.

13 But now, for the better preuenting that nothing bee done against the Peace any of these Officers aforesaide may take (or arrest) suspected persons, which walke in the night, and sleepe in the day: or which doe haunt any house, where is suspition of bauderie: and they may carie them before a Iustice of the peace, to finde sureties of their good behauiour. And if any such officer be not of sufficient strength to doe that alone, then may he take meete aide of his neighbours thereto: and they, in such cases, be compellable to helpe and assist him.

13. H. 7. 10. Cor.

Fitz. in Inst. D. P. 17.

Any

Any of theſe officers may alſo arreſt ſuch ſtrange perſons as doe walke abroade in the night ſeaſon: and for that cauſe the ſaid ſtatute of *Wincheſter* did ordaine, that night watches ſhould be kept yerely, from the feaſt of the Aſcention vntill Michaelmas, by fiue men at euerie gate of euerie citie, by twelue men in euerie Borough towne, and in euerie other towne by fiue men, or foure men, or according to the number of inhabitantes in the towne, all the night long from Sunne ſetting to Sunne riſing: So that if any ſtranger did paſſe, he ſhould be arreſted till the morning, and then ſet at large (if no ſuſpition were founde of him) but if any ſuſpitiō fel out againſt him, then he ſhould be impriſoned till he might be lawfully delinered. And of theſe watches, the officers before named haue the charge within the limites (or places) of their auctorities, as the Conſtable in his towne, the Borſholder in his Boroe, and the high Cōſtable within all his Hundred: and theſe officers ought to ſée theſe Watches duely ſet and kept, and ought alſo to cauſe Hue and Crye to be rayſed after ſuch as will not obey the arreſt of ſuch watchmen.

Againe, if any perſon whatſoeuer (except

cept the Queenes seruantes and ministers in her presence, or in executing her preceptes, or their offices, or such as shall assist them: and except it be vppon Hue and Crie made to keepe the peace, and that in places where actes against the Peace doe happen) shall be so bolde, as to goe, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Constable, or any other of the said Officers, may take such armour from him, for the Queenes vse, and maye also committe him to the Gaole. And therefore, it shall be good in this behalfe, for these officers to staye and arrest all such persons as they shall finde to carry Dags, or Pistols, or to be apparelled with priuie coates, or dublets: as by the proclamation (made in the one and twentieth yere of the raigne of our Soueraigne Ladie that nowe is) they are speciallie commaunded.

Stat. N. thamp. 2. Ed. 3. cap. 3.

21. El. R.

Furthermore, if any great assemblie, or rumor of people be made in manner of insurrection, then the Shirifes, Constables and these said other ministers, hauing knowledge thereof, ought to go with the strength of the county, and to set themselues against it, & ought also to take and imprison such offendors.

17. R. 2.

Lastly,

Lastly if any man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arreste the other to finde suerties of the Peace, then may such an officer arrest him to finde such suerties before a Iustice of the Peace, and may also carrie him to prison if he refuse to finde it.

14 Thus muche I haue spoken of those things which doe bend towardes the breach of the peace: but now I will come nearer, to the breach it selfe, and withall to the pacifying and punishing of the same. To pacifie & punish the breach of the Peace.

If therefore a Constable, or any other of the saide officers, shall see any men going about to breake the peace, as by vsing hoate wordes, by which an Affray is like to growe, then ought such Officer to commaund those persons to auoyd vpon paine of imprisonment: and if they will not depart, but shall drawe weapon, or giue any blow, then ought he to do his best to depart them, and to kéepe them in sunder: and he may (for that purpose) bothe vse his owne weapon, and may also call others to assist him. In which doing, if any such officer, or other person comming on his parte, doe take hurte, he shall haue good remedie by action

action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his companie, then such a hurt person hath no remedie at all for it.

And if he that maketh an Affray do flye into a house, when such an officer commeth to arrest him: then may that officer breake open the dores to take him: and if he that made the Affray, doe flie from thence also, yet may the Officer followe him, and in fresh suite take him, though it be in another Shire or Countie. 13. Ed. 4.

So, if two men be fighting together in a house (the doores being shut) yet may such an Officer breake open the dores to cause the peace to be kept, though none of ẏ parties haue taken hurt. And in both these cases, such an officer may carie them before a Iustice of the peace to finde Suertie for the peace, because they haue broken the peace alreadie, and are meete to be bound that they shal not thenceforth breake it againe.

But if any of ẏ parties to an Affray, haue receiued any daungerous hurt, then ought such Officer to arrest him ẏ did ẏ hurt, & to carie him to the Gaole, there to remaine til he finde suertie to appeare at the nexte Gaole deliuerie: otherwise, he may wͤ lesse labour Fitzh. 7. 38. Ed. 3. 6. & 11. lib. Ass. 9.

Labourer carrie him to a Iustice of the peace, who ought to take order for such suretie, because the fact may fall out to be Felonie, if so be that he which was hurt doe happen to die within one yeare and a day next following such hurt done.

And as these Officers ought to arrest those that doe make Assault upon any private persons, so also may they arrest any such as shall make assault (or Affray) upon themselues whilest they be in doing their offices: and may for that purpose both lawfully defend themselues, and also take the offendors & commit the to the Gaole, or carrie them to a Iustice of the peace, for the finding of such suretie as is aforesaide.

But if one doe assault a man, in, or nigh the highway, to robbe him, and be taken by the true man, or by ants other, and be brought to the Constable, or suche other Officer of the place: then ought such Officer, not onely to take him to his ward, but also to carrie him before a Iustice of Peace to cause him to give surtie for his Good abearing.

So, if any man do suspect an other of Murder, or Felonie, and doe declare the same to any such Officer of the place, then such officer may arrest the suspected person,

son, and he shall doe well to carry him to a Iustice of the Peace together with him that doth suspect him, to that end that they both may be examined as appertaineth. Yea, any of these saide officers may search within the limit of his authoritie, for any persons suspected of Felony: for it is a chief part of their office to represse felons.

And therefore any of these Officers may (of his owne authoritie) arrest one that is endited of Felonie: So, if the common voice and fame be, that A. B. hath done a felonie, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And I like wel of their opinion, which doe holde, that if information be given to any such officer, that a man and a woman be in adulterie, or fornication together, then the officer may take company with him, and that if he finde them so, he may carry them to prison.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the gaole, there such an Officer is not bounde forthwith to carrie him, but may well for a reasonable time keepe him in the

the Stockes, vntil that conuenient prouiſi-
on of ſtrength may be made to conuey him
ſafely thither. And when hee ſhall bring
ſuch offendours to the Gaole, then ought
the Gaoler to receiue the ſame freely, with-
out taking any thing of the Officer for it.

15 Hitherto (as you ſee) I haue ſpoken of the Conſtable, & of theſe other Officers, ſo farre onely as they haue authoritie by their owne offices, without any commaun-dement from others. But forasmuch as a great part of their duetie (concerning the peace) reſteth in the making of due execu-tion of the preceptes of higher officers, and eſpecially of the Iuſtices of the peace, who be (as it were) immediatly ſet ouer them, let vs alſo ſee after what manner theſe Conſtables, and other the ſaid inferior mi-niſters of the peace, ought to behaue them-ſelues in that behalfe. Seruing of preceptes.

Albeit then, that theſe ſaide Officers be ſubiect to the commaundements of the Iu-ſtices of gaole deliuerie, and of Oier and Terminer, and of ſome Higher Iuſtices, yea, and to the preceptes of Coroners alſo, and of other Officers, in ſome certaine ca-ſes, yet becauſe moſt commonly they are called vpon by the Iuſtices of Peace, they ought ſpecially to ſhewe themſelues obe-

dient to their precepts, & may not dispute whether their commandements be grounded vpon sufficient authoritie, or no: as knowing that although a Iustice of the peace (which is a Iudge of Record) should direct a Warrant beyond his authoritie to a Constable, or one other of the saide officers, yet shal such officer be holden excused for executing the same, howsoeuer that Iustice of peace himselfe be blamed for it.

If therefore a Warrant for the peace, or good abearing, happen to be directed to any of these saide Officers, then ought he with all speede and secrecie to finde out the partie: and then also may he laye his handes vpon him, and shewe him the matter, and require him in the Queenes name to goe with him to putte in suretie according to the Warrant. And that if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conueigh him to prison, without carying him to any Iustice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or the hurting of him. 21.H.7.3

But if the partie shall yeelde to goe and giue Sureties, and yet will not goe to such Iustice as maye out the Warrant, but to some 21.H.7.3

ſome other Iuſtice, then ought ſuch Officer to giue him that libertie, ſo that it be not farre out of the Limite, for elſe ſo greate trauaile might follow vpon the Officer, as rather be than the offendour might ſeeme to be puniſhed by it.

And here the Officer muſt take regarde, and conſider whether the Warrant doe come directly from the meere authoritie of the Iuſtices of Peace, or elſe be grounded vppon a Writ of *Supplicauit* ſent downe from higher authoritie (which difference ought to appeare plainely in all Warrants that be well and orderly made.) And if the Warrant be grounded vpon ſuch a Writte, then may ſuche Officer compell the partie to goe to the verie ſame Iuſtice or Iuſtices of Peace that made out the Warrant, and otherwiſe he may carrie him to priſon, as is ſaid before.

Neither is it requiſite, that ſuche an Officer ſhoulde daunce vp and downe after the partie (as many vſe to doe) vntill he can finde out ſuerties, but he may lawfully keepe him, vntill that he can get ſuerties to come vnto him: the ignorance of which point is the cauſe, both that many an euill man eſcapeth, and many an honeſt Officer is puniſhed for it.

But here it happeneth many times, that the partie (hearing that the peace is graunted against him) offereth himselfe with suerties, for that cause vnto some other Iustice of Peace, or findeth such suretie in some of the Courtes at *Westminster*, and so hath a *Supersedeas* readie to shewe such Officer, as commeth to him with a Warrant as is aforesaid. Nowe, if that bee so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer do keepe the *Supersedeas* for his better discharge: least otherwise hee be called to account for not seruing the warrant that was sent vnto him.

If a Warrant bee directed to a Constable, or such other Officer, to arrest one that is endited of Felonie, then may such Officer iustifie the killing of such a partie, if it so be, that he cannot otherwise take him: or if so be, that he resist, or flie, when he is taken. 22. lib. A 55. Coron. 2 288. 328. en. Fitz

Finally, the Constable or such other of the said Officers, hauing arrested any to be conueied to the Gaole, must take good heede, that hee doe not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then

then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kinde the offence be, if the Officer doe, by his will, or negligence, suffer the partie to escape from him, he shal be fined for it, according to the quantitie of his fault, by the discretion of those that shall be Iudges of it. And least any such Officer should flatter himselfe, in thinking that he may passe through with some easie Fine, I let him knowe, that the Iudges of his faults may set his fine, equall with the valewe of all his goods, if in their discretions the same do so require.

H. 4. 12. & f. 35.

The equalduetie of these Officers, in matters besides the Peace.

16 Thus haue I performed the first parte of my promise, and haue shewed what is the equall and like duetie of euerie of these saide Officers in matters concerning the Peace, both by their owne authoritie, and also in doing the commaundementes of the Iustices of Peace: nowe therefore I must goe forewarde to the second part of my purpose, and am to declare their like duetie in other pointes of seruice, that doe not concerne the Peace. For, equall power is indifferently giuen to any of these Officers by some Statutes of the realme, whereof these that followe be the chiefe.

17 All

Attendant for the execution of statutes.

17 All Constables, and other the said Officers ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and everie the actes (made in, or before the Parliament, holden in the 33. yeare of the raigne of King Henrie the eight) concerning Retainors, giuing of Liueries, Maintenance, Embracerie, Bowstaues, Archerie, Vnlawfull games, Forestallers, Regrators, Victaile, Victailers, and Inholders, or any of them, vppon paine that the said Constables and other the said Officers shall make such fines, as by two of the saide Iustices of Peace shall be assessed. 33.H.8.c. 10.&37. H.8.c.7.

Phisitions.

18 All Constables, and other the saide Officers within *London*, or within seuen miles thereof, ought (vpon request made) to aide and assist the President of the Colledge of the Phisitions in *London*, and other persons authorized for the due executiō of the Statutes made concerning Phisitions, Apothecaries, and Surgeons, 14.H.8. c.4.5. 32.H.8. cap.2. 1.M.Par. 1.c.9.

Purueiors.

19 If any person shall (without lawful bargaine) puruietie or take any thing of any of the Queenes liege people, to the vse of any (other than of the Queene and hir house) and thereof notice bee giuen to the Constable, or such other Officer of the place, 23.H.6. cap.14.

place, then ſuch Officer ought (vnder the paine of twentie pounde) to arreſt ſuch taker, and to carrie him to the next priſon.

No Purveyour of the Queene ought to take any horſe, or cart, but by the deliuerie of the Maior, Bailife, Conſtable, or ſuch other officer of the place whence that taking ſhall be.

Corne ought to bee taken for the Queenes houſe, by ſtriked meaſure of eight buſhels to the quarter, according as is vſed throughout the lande: and the takers of all thinges to bee taken for the Queenes houſe, ſhal make their purueyance by the verie values thereof, by the view of the Conſtable, or other ſuch Officers, and by appraiſement vnder oathe of foure other good men of the towne, where the taking ſhall be: and ſuch taking ſhall bee made without driuing the preſons by compulſion, menacing, or other villanie, to ſet any other price than their oath will, and as commonly runneth in the nerte Markets.

Takers, Vndertakers, their Deputies, or ſeruantes, ſhall not take any Beeſes, Weathers, Lambes, Calues, or any kinde of Waitfiſh, or any kinde of graine, or any Butter in any veſſels, or Cheeſe, Bacon,

Conies, Pigs, Geese, Capons, or Hens, but by Commission and a Blanke thereto for that yeare ordered: in which Blanke, the said seuerall thinges so to be taken, and the prises of them shall be written, and to which Blanke, the High Constable, Petie Constable, or Headborowe of the place where any such taking shall be, ought to subscribe his name or signe manuel. And such taker ought then also to make a brief or docket in writing subscribed with his name, containing euerie of the said things so taken in euerie place: and ought then also (vnder the paine of a hundred markes) to deliuer the same to the saide High Constable, petie Constable, or Headborowe, who also ought to deliuer it ouer to the Iustices of Peace at their nexte generall Sessions within that countie.

20 In the takings for the Queenes house, Tailes (or Indentures) ought to bee made and sealed, betweene the taker & the owner (in the presence of the Constable, or such other Officer, and the preisors of the place) by which Tailes (or Indentures) satisfaction ought to be made to the owner for his things so taken. 10. Edj. cap. 1.

21 If any Taker will make purueyance of any thing (not exceeding the value 20. Hb. c. 8.

of

of vi.s. and make not readie payment in hand therefore, it is lawfull for the owner to retaine the thing so taken, and to resist such purueyance: and the Constable, Tythingman, or Chiefe pledge of the place (being thereto required by the owner) ought to aide & assist such owner in making such resistance, vnder paine to yelde vnto him the value of the thing taken, and his double dammages.

22 If the Constable, Tythingman, or such other officer, of any place, be negligent, and doe not his best endeuour, for the apprehension of all sturdie Rogues, or vagabondes, that shall beg, wander, or misorder themselues within his authoritie, and for the bringing of them before a Iustice of Peace, but shall suffer any such to escape, then shall such Constable or Officer forfaite vi.s. viii.d. for euery such Rogue. 5 Eliz. 5. Rogues.

23 All Constables and other the saide Officers, must be attendant vppon Coroners, for the abiuring and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done. 1 H. 8. c. 2. 1 H. 8. c. 14. 1 H. 8. c. 3. Coroners.

24 All these thinges heretofore rehearsed, whether they concerne the preseruation

tion of the Peace, or any other matter besides the Peace, may and ought to be done and executed indifferently (as I thinke) by any of the saide Officers within the precinct of his authoritie: that is to say, as well by the high Constable of the whole Hundred or Franchise, within his Hundred or Franchise, as by the Constable, petie Constable, Tythingman, Borsholder, Borohead, Headboroe, Thirdboroe, or chiefe pledge, within his towne, parish, Tything, Boroe, or Hamlet: and that so, as none of them hath more power of office therein than the other, although some of them have larger limits of place than the rest.

High Constable of a Hundred.

But now I am come to such things as doe severally belong to some of these Officers, so as the others may not meddle therewith, (which is the thirde parte of my promise) and therefore I will take that in hand also: and because the Constable of the Hundred, or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed unto him, I will begin at him: who, as he is not by and by set alone, but is for some matters no further authorized than some other of the saide Officers, so I will first beginne at

these,

those, and then come to the rest that belong onely to himselfe.

Eliz. 5. 25 The money appointed to be lented by the Churchwardeines of every parishe each Sonday for the reliefe of prisoners in the Gaole, ought (under the paine of fine li.) to be payed by them once everie quarter of a yeare to the high Constables, or head Officers of everie Hundred, Riding, Wapentake, towne, or parish: And the saide high Constables, or head Officers ought (under the paine of 5. li.) to pay over the same money so to them payed, at the next quarter Sessions of the Peace, to such person as shall be appointed by the Iustices of Peace to receiue the same. Prisoners.

Eliz. 5. 26 If any person lawfully appointed by the Iustices of Peace to be Collector for the poore, shall refuse to accept it, or accepting it, shall be negligent therein, he shall lose to the poore of that place forty shillings, which shall be lented by distresse, or recouered by Action by the high Constable, or Tythingman of the place: who also, if he be negligent, or refuse to sue within two monethes next after such default, shall lose fiue pounde. Collectors for the poore.

It seemeth to me, that in these two cases next aboue, the wordes, high Constables,

bles, high Tythingmen, and Head Officers doe exclude Petie Constables, Borsholders, and such lyke to meddle therein: because none are called High, or Head, but in camparison of Low and Base. Now therefore I will speake of matters concerning the high Constable of the hundred alone.

High Constable alone.

Petie Sessions.

27 High Constables of Hundreds in all such shyres, where Petie Sessions for seruants and labourers (otherwise called statute Sessions) were vsed to be kept, before the first day of the Parliament holden in the fift yeare of the raigne of our gratious Queene Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of labourers & seruants made in ye same Parliament. 5. El. cap.

Watches and highwayes.

28 The Constables of hundreds, & of Franchises, ought to make presentment to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaults of watches, and of the defaultes of the Queenes highwayes, not enlarged so, as no ditches, Underwood, or bushes be within 200. foote on euerie side of the same, and also of such as lodge strangers in vplandish townes, for whom they will not answere. 13. E. 1. Wynton.

29 The

Eliz. 5. 29 The Constables, or Tythingmen of euery hundred, Rape, or Wapentake, in which any abiding place to settle the poore people in, shall be appointed by the Iustices of Peace, shall once euery moneth (vnder the paine of 12. shillings) make a view and search of all the aged, impotent, and lame persons within their authoritie, and all such as they shall finde, not being borne, nor within three yeares next before dwelling within that diuision, (except leprouse and Bedrid persons) they shall presently see conueied, on horseback, in Cart, or otherwise, by their discretions, to the next Constable, and so from Constable to Constable, the directest way, till euerie of them be brought to the place where hee or shee was borne, or most conuersant by the space of three yeares next before, there to remaine in some such abiding place, or otherwise to be prouided for. Poore people.

& 3. P. & Mar. 2. 8. & 5. Eliz. cap. 13. 30 Estreates indented ought to be made by the Clarkes of the Peace, & by Stewardes of Leetes, of all forfaitures ryding in the Sessions of the Peace, or in Leetes, vppon the statutes of Highwayes: of which Estreates, one parte ought to bee deliuered yearely within fiue weekes after Michaelmas, to the Bailife or high Constable of the Hun- Highwaies

Hundred, Lath, or Wapentake, wherein the default was committed, and the other part to the Constable and Churchwardeins of the parishe in which the default was made, to the intent, that such Bailiefe, or Chiefe Constable, may thereby leuie by distrelle the same forfaitures, or the double thereof (if no distrelle can be found, or if such forfaitures be not payed within 10. dayes after a lawfull demaund of the same by the said officer) & to the intent also that the said Constable & Churchwardeins of the parish may thereby call the saide Baillie, or High Constable to account before two Iustices of the Peace (the one being of the Quorum) betweene the first day of March and the last of April yearely for the saide forfaitures, which ought by ỳ said Churchwardeins to be bestowed on the Highwaies in their parish. And vpon such account, euerie such Bailiefe, or High Constable shal haue for his paines viii. d. of euerie pound leuied and payed by him, and may alsoe retaine xii. d. for the fee of the Clearke of the Peace or Steward of the Leete, for euerie such Estreate by any of them deliuered, as is aforesaid.

Constable of a town.

31 Next after the Constable of the hundred, Wapentake, or Francile, followeth the

the Conſtable of a Towne, who is ſome-where called a High Cõſtable, for that he hath there a Petie Conſtable vnder him, & is ſomtimes alſo termed a Head Officer becauſe in ſome Corporate townes Conſtable is part of the name of their Incorporation. And nowe alſo becauſe there be ſundrie thinges that are by the Statute Lawes indifferẽtlie referred to him, or to the Tythingman, Borſholder, or ſuch other inferiour officer of the place: therefore I will firſt ſet downe thoſe, and then afterward ſpeake of the reſt that are committed to him onely, and to none of them.

Seruants. 32 NO perſon retained in huſbandrie, or in anie the Arts appointed by the Statute of Laborers (made in the fift yeare of our ſoueraigne Ladie Queene Elizabeth) may depart, after the time of ſuch reteynour expired, out of the towne or pariſhe where he laſt ſerued, to ſerue in another, vnleſſe he haue a Teſtimoniall vnder the ſeale of the Conſtable, or other ſuch Officer, and of two other honeſt houſholders of the towne or pariſh where hee laſt ſerued, according to this forme: *Memorandum*, that A. B. late ſeruant of C. D. of E. in the countie of K. husbandman, or tayler, &c. is licenſed to depart from his ſaide Maiſter, and is at his libertie to ſerue

El. cap. 4.

elſewhere, according to the ſtature in that caſe made & prouided. In witneſſe whereof &c. dated the day, moneth, yeere, and place, of the making thereof. Which Teſtimoniall, the Parſon, Vicar, or Curate of the parish where ſuch Parker, Pikeſtreſſe, or dame doth dwell, ought to regiſter, taking onely ii. d. therefore. And if ſuch perſon be accepted into any other ſeruice, without ſhewing ſuch Teſtimoniall to the Conſtable, or ſuch other Officer, Curate, or Church wardein of the place where he ſhalbe accepted, he ſhalbe impriſoned till he procure ſuch a Teſtimoniall, which if he doe not within 21. daies next after the firſt day of his impriſonment, hee ſhalbe whipped as a Vagabond.

Laborers. 33 In the time of hay, or Corneharueſt, the Conſtable, or ſuch other Officer of any townſhip, vpon requeſt made, and for auoiding the loſſe of any corne, graine, or hay, may cauſe all ſuch artificers and perſons (as be méete to labour) by his diſcretion to ſerue by the day, for the mowing, reaping, ſhearing, getting, or inning of corne, graine or hay, according to the ſkil and qualitie of the perſon: and if any ſuch perſon ſhal refuſe ſo to doe, then ought ſuch Officer (vnder the paine of fourtie ſhillings) to impriſon ſuch refuſer in the Stockes, 5. Eliz. 4.

Stockes, by the ſpace of two dayes & one night.

18. El. cap. 3

34 Euerie Rogue that ſhall be apprehended, ought to be conueyed (from the Iuſtice of Peace before whome he ſhall bee brought) by the Conſtable, or ſuch other Officer of the pariſh where the apprehenſion ſhall be, but onely to the Conſtable, Tythigman, or other ſuch Officer of the next townſhip, or pariſh in the next hundred, and ſo from one Hundred to another, by the Conſtable, or ſuch other Officer of euery ſuch townſhip or pariſh which ſhall be next in euerie ſuch Hundred, the direct way, vntill they ſhall come to the Gaole or priſon appointed for ſuch Rogues: vnder the paine of vi. s. iiij. d. for euery default of ſuch Conſtable or Officer. Rogue.

El. cap. 4

35 The Conſtable, Boreſholder, or other ſuch Officer, and the Churchwardeins of euery pariſh, ought yearely vppon the Tuelday or Wedneſday in Eaſter weeke, to call togither a number of the pariſhioners, and to chooſe two honeſt men of their pariſh, to be ſurueiors of the works for amendment of the high wayes within their pariſh leading to any market town: And ought then alſo to appoint fiue dayes for the amendment of thoſe high wayes before Midſummer then next following: Highwaies

And ought openly in the Church, the next Sunday after Easter, to giue knowledge of the same fiue dayes.

They also ought to haue one part of the Estreates Indented, and may call the Bailife or high Constable to Accompt, concerning the forfaitures for default of amending High wayes, as hath alreadie appeared before. And they also or any of them may leuie by Distresse and by sale of such Distresse, all summes of money forfeyted for any cause within the Statute of High wayes made in the eightenth yeare of the Queenes Maiestie that nowe is (if so be that the Surueyours of High wayes shall not before haue leuied and employed the same, within one yeare next after the offence committed) and shal yéld Accompt thereof before two Iustices of the Peace, as is aforeshewed. 2. & 3. Phil. & Mar. ca. 8. & 5 El. cap. 13. 18 El. c. 10.

36 These thinges (last aforesaid, do) in mine opinion) pertaine as wel to ỹ charge of a Tythingman, Borsholder, Headboroe, chiefe pledge, or such other inferiour Officer of a towne, or parish, as they do to the Constable of such a towne or parish, that hath any of those other Officers there vnder him. But some other points of charge there be, that belong to him onely, and to none of them: as for example.

Thinges belonging only to the Constable

37 Eue-

1.H.6.ca.5. 11.H.7.c.4. 37 Euerie Citie, Boꝛough, and market towne, that haue a Conſtable, ought alſo to haue common meaſures ſealed, & alſo common weightes ſealed, at which the inhabitantes may freely weigh. Weightes, and meaſures.

14.H.6.ca.5 38 If anie Wolles, oꝛ other Marchandize, be ſhipped to the Staple, in any ſuſpected place adioyning to the coaſt of the water, then Indentures ought thereof to be made betweene the owner, & the Maior oꝛ Conſtable of that place: oꝛ otherwiſe ſuch marchandize ſhall be foꝛfaited. Marchandize.

33.H.8.19. 39 The Maior, Shirifes, Bailifes, Conſtables, and other head officers within euerie Citie, Boꝛough, & towne within this realme, where any ſuch Officers be, ought vnder the paine of xl. s. foꝛ euerie default, once euerie moneth at the leaſt, to make ſearch (as wel within liberties, as without) in all places where any vnlawfull games ſhall be ſuſpected to bee kept, and may arreſt and impꝛiſon aſwel the kéepers of ſuch places, as the haunters to the ſame, till they be bounde, no moꝛe to keepe and haunt ſuch places. And if any ſuch Head Officers, ſhall finde oꝛ knowe, that anie artificer, craftſman, huſbandman, apꝛentiſe, labourer, ſeruant at huſbandꝛie, iourneyman, oꝛ ſeruant of artificer, oꝛ that anie maryner, Vnlawfull games.

fisherman, waterman, or seruing man, doth play at the Tables, dice, cardes, tennise, bowles, clashe, coyting, logating, or any other vnlawfull game, out of Christmas time, or out of their Masters house or presence in the Christmas time (vnlesse it bee by the licence of such Master as hath 100.li. by the yeare, or aboue, and then also that playing bee within the precinct of such Masters house, gardeine, or orcharde) then such head Officer may commit such offendour to warde, till he will be bounde by Obligation to the Queenes vse (in such summe as to the discretion of such Officer shall be thought reasonable) that he shall not from thencefoorth vse such vnlawfull games.

Bridges. 40 Those foure Iustices of Peace, that be auctorised by the Statute to make taration of money for the amendement of any decayed bridge in the high waie, ought to make that Taration, by the assent of the Constables, or of two of the most honest inhabitantes, of euerie Towne or Parish. 22.H.8.c.5.

Vessels. 41 In all Cities, boroughes, & townes, wherein no Wardeins of Cowpers be, the Maiors, Shirifes, Baylifes, Constables, or other head Officers there, haue power to search, viewe, and gawge, barrels, kilderkins, 23.H.8.c.4.

derkins, firkins, and other vesselles, to be made there, and to take such aduauntage thereby, and in such manner, as the wardeins of Cowpers within the citie of London may be taken on euerie behalfe.

1. H.8.c.9. Mar. pari ca.11. 42 The Maiors, Shirifes, Constables, and other head Officers of any place, to which woollen hattes, bonnets, or cappes, (beeing made out of this Realme) shall be brought, ought (vpon knowledge therof to them to be giuen, by the Customer of such place, or his deputie) to ioyne with such Customer, or deputie, in the sale of such hattes, bonnets, or caps, for such prices, as by the statute are limited, vppon paine to forefaite. xx. li. for euerie time that they shall be remisse in such sale. Hattes & Cappes.

43 In all these cases also, last before rehearsed, it seemeth that Borsholders, Tythingmen, Headboroes, and other such (being in townes, or parishes, vnderneath Constables that be there) cannot meddle, because such Constables be, in comparison of them, called Head Officers.

Now therfore vpō al ẏ whole discourse before writtē, it may wel appeare, ẏ Borsholders, Tythingmen, Headboroes, Boroeheads, Thirdboroes, and chiefe pledges, whether they be there ẏ only Officers for the peace, or bee vnderneath Constables, The conclusion.

may within their Borowes, Tythings, or Hamlets, do many things that the others may doe: and that there are many other points which those other Officers may do, and wherewith these Borsholders & ỹ rest cannot meddle at all. And therefore, to auoide idle repetition of matters alreadie spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headboroe, Boroehead, Thirdboroe, or chiefe pledge, will see what belongeth to him to do, he must looke before vpon al such cases, where his power is declared to be equall (for those points) with the power, either of a High Constable of the Hundred, or a Constable of a towne or parish: for in all such things he hath to deale as well as they: But where any thing before is shewed to pertain onlie to the High Constable of a Hundred, or onelie to the Constable, or chiefe or head Officer of a towne, or parish, there such a Borsholder, Tythingman or any of the rest, hath nothing to doe with it.

And thus hauing opened, so shortlie and plainely, as I could, the duties of all these said ministers of the peace, I doe shut vp this worke: desiring those that shall take anie profite of this labor, to yéld thankes to God the most liberall giuer.

For

FOr the more eaſe of entrie of theſe Officers, in finding out of that which belongeth to them, I haue diuided this treatiſe before into three and forty Articles (or partes,) by which eche of theſe Officers may readilie come to al that which belongeth to his owne charge, if he will marke this Table following: for,

The High Conſtable of the Hundred, Franchiſe, or Wapentake, hath to deale with all thoſe matters that be contained within ante of theſe Articles, that is to ſay,

Article	Concerning
3.	His name.
4.	His beginning.
11,12,13,14.	The Peace to be kept: and ſeruing of warrants.
15.	
16.17.18,19.	Execution of Statutes:
20,21,22.	Phyſitions: Purueiors:
23.	Rogues: Coroners.
24:25:26:	Priſoners: power: pety Seſſions: Watches: Highwayes: power: Highwaies.
27:28:29.	
30. 43.	

The Conſtable of a Towne, or Pariſh hath his part in all ſuch thinges as be expreſſed in any of theſe Articles.

Articles

Articles	Concerning
4.	His name and beginning.
11.12.13.14. 15. 16. 17. 18.19.20.21 22.23.	Keeping of the Peace: Serving of Warrants: Execution of Statutes: Obstitions: Purueiours: Rogues: Cozoners.
24: 25: 26: 31: 32: 33: 34: 35: 36: 37: 38: 39: 40.41: 42: 43:	Prisoners: Collectors for the poore: Seruants or labozers: Rogues: Highwayes: Weights & measures: Marchandize: Unlawful games: Bridges: Vessels: Hattes & Caps.

And euerie Borsholder, Tythingman, Boroehead, Headboroe, Thirdboroe, and chiefe pledge, may for his Boroe, or Tything, learne his office by these Articles:

Articles	Concerning
5.	His name beginning: first Office: latter Office:
6. 7. 8. 9. 10: 11: 12: 13: 14: 15: 16: 17: 18: 19: 20: 21: 22: 23:	Keeping of the Peace: seruing of Warrants: Execution of Statutes: Obstitions: Purueiors, Roges: Cozoners:
31: 32: 33: 34 35: 36: 43:	Seruents and labourers: Rogues: Highwaies.

The

The duetie of Churchwardeines.

WHilest I passed thorow some of the statutes before, concerning the Offices of Constable & Borsholder, I founde thē mingled with diuers dueties pertaining to the Churchwardeins of Parishes: the Surueiours of the highwaies: the Distributours of the prouision for the destruction of vermine: the Collectors and Ouerseers for the poore: and the Wardeins and Collectors for the houses of Correction: whereby I was also moued to adde somewhat of these Offices, the rather because I was perswaded, that with that litle more of labour, I might do a great deale more of good, seeing that thereby the plaine countrie man should (after a sort) be furnished with all manner of vnderstanding (in the temporall lawe) nedefull for the exercise of any of those offices that may lightlie fal vpon him.

First therefore, I will speake of the Churchwardeins office, but that so farre forth onelie, as the common lawes and statute

ſtatute lawes of the Realme doe leade me, knowing that ſuch other parts of that Office as doe reſt vpon the Lawes Eccleſiaſticall, be from time to time ſufficientlie both taught and called vpon, by thoſe that haue the Execution of the ſame.

Office of Churchwardeins, by the cõmon lawe.

Theſe Churchwardeins of Pariſhes be taken (in fauour of the Church) to be for ſome purpoſes a manner of Corporation at the common lawe: that is to ſay, Perſons enabled by that name, to take moueable goods or Chattels, and to ſue, and be ſued, at the law, cõcerning ſuch goods, for the vſe and profite of their pariſhe. And therefore, a man may well in his life time giue, or by his laſt will bequeath, money, or other moueable things, to the Churchwardeins or to the pariſhioners of a pariſh, either for the reparation of their Church, or towards the buying of bookes, Communion cuppes, linnen clothes, or other decent ornamentes or furniture for the Church. Which manner of guift is ſo much fauored in the Law, that it is not altogether nedefull, in ſuch a guift, for a man to vſe expreſſe words or writing. For if a man doe buy a Bel, and doe hang it vp in the Steeple, or doe make a Pewe, and do ſet it vp in the Church, and doe neither make any word or writing thereof, yet is this

12. H. 7. vltima.

Lib. Intr. fol. 576.

H.4.12. this Bell, or Pewe, by this dedicated or
H.7.12. giuen to the Church.

2 Nowe, although Churchwardeines shall haue none Action at the common lawe to recouer a legacie, or such other thing which they neuer had: yet neuerthe lesse, if any such goods, or ornaments of ẏ Church be once in their possession and custodie, then shall they maintaine an Appeale of Robberie against him that stealeth them, or an Action of Trespasse against him that shall wrongfully take thē away (though it be the Vicar, or Parson, himselfe) and the damages that they shall recouer thereby, shall be to the vse and benefit of the parish, and not to their owne vse. But if those Churchwardeines (from whom the goods were so taken) shall happen to die, before anie Action by them brought for the goods, yet shall the next Churchwardeines haue Action for the same.

They shall haue Action.

H.6.30. 34. H.4.12. H.4.6. 2.H.7. ...ltimo. ...z.uat.br. ...K.mes H.6 66. ...ontrar. ...b.Intra ...576.

3 And forasmuch as these Churchwardeines be officers, put in trust for the behoofe of their parish, therefore also are they not enabled with anie other power, than for the good and profite of the parish. So that Churchwardeins can neither giue away, nor release, at their owne plesure, the goods of the Church. For if the Parishioners

They may not wast ẏ Church goods.

ſhioners ſhall finde that they doe vnpro-
fitable waſt, or miſpende the goodes of the
Pariſh, the may they remoue ſuch Church-
wardeins, by making their choice of newe:
which newe Officers may (by Action of ac- 8.E.4.6
count) call to account the former Church-
wardeins, and ſhall thereby compell them,
both to giue reckoning of their doings du-
ring their office, and alſo to make ſatisfa-
ction to the vſe of the Pariſh for the harme
that it hath receiued by their fault. And al-
though the vſage and cuſtome of the Pa- 26.H.8
riſh be, that the Churchwardeins there ſhal
continue in their Office, by the ſpace of
one whole yeare or two yeares, or more (as
indéede ſome Pariſhes haue ſuch cuſtomes)
yet vppon ſuch, or the like miſdemenour
found in them, may the pariſhioners at
all times procéede to an Election of newe
Churchwardeins, & may remoue the olde,
for that otherwiſe they haue no meane by
our Lawe to call them to their Account, H.4.
but by ſuch as ſhalbe put in their place. H.7.
Neuertheleſſe, thoſe former Churchwar- H.7.
deins ſhal (vpon the making of ſuch their
Account) haue allowance of all needefull
ſummes of money, or other things, which
they haue expended, either vpon the repa-
ration of the bodie of the Church, or for
prouiſion of méete and lawfull ornaments

They may be remoo-ued, and brought to account.

or

or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay foorth the goods of the parish committed to their custodie and charge. They shall haue allowance also (vpon such their Account) of the money payed by them for releefe of prisoners in the common Gaole, by vertue of the Statute *14. El. ca. 5.* & of what soeuer other thing that they are by lawe chargeable to doe.

4 This (in effect) is the power and charge that the common lawe doeth giue to Churchwardeines: for, as touching any estate in landes, or the profites of any landes, Churchwardeins haue not to meddle at all: In so much, that if the walles, windowes, or doares of the Church, bee broken, or the trees in the Churchyarde be cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardeines) shall haue the Action for it: because Churchwardeins are not by lawe allowed to be a Corporation for any other thing, than for moueable goods onely. Now therefore, I will shew howe their office is increased by a fewe Statute lawes, that doe concerne the same.

They haue not to doe with lãds.

H.4.13. H.7.27. H.7.9.

Churchwardeins office, by ẏ statute.

5 All persons inhabiting within the Queenes

Repaire to the Church.

Queenes Maiesties dominion, shall diligentlie and faithfully (hauing no lawfull or reasonable excuse to be absent) endeuour themselues to resort to their parish Church or Chappell accustomed, or (vpon reasonable let thereof) to some vsuall place where common prayer and such seruice of God (as is contained in the booke of common prayer) shall bee vsed in such time of let, vpon euerie Sunday and other dayes ordeined and vsed to be kept as holie dayes: and then and there to abide orderly, and soberly, during the time of the common prayer, preachings, or other seruice of God, there to be vsed and ministred, vpon paine of punishment by the Censures of the Church, and also vppon paine that euerie person so offending shal forfait for euerie such offence xii. d. to bee leuied by the Churchwardeins of the parish where such offence shall be done, to the vse of the poore of the same parish, of the goods, landes, and tenementes of such offendour, by way of distresse. 3. El. cap.

Highwaies

6 The Constables, and Churchwardeins of euerie parish shall yearely vpon the Tuesday or Wednesday in Easter weeke, call together a number of the parishioners, and shall then elect and chose two honest persons of the parish to bee 2. & 3. Phil. & M. ca. 8. & 5. El. ca. 13.

Surueio-

Surueiors and ouerers of the workes for one yeare for amendement of the Highwayes in their parish, leading to any market Towne: which persons shall take vpon them the execution of their saide offices, vppon paine, euerie of them making default to forfaite xx. s. And the saide Constables and Churchwardeins shall then also name and appoint sixe dayes for the amendment of the said highwayes before Midsomer then next following: and shall openly in the Church the next Sunday after Easter giue knowledge of the same sixe dayes. And they also ought to haue one part of the Estreates Indented, & shall call the Constables to account, &c. as it doeth appeare before in the 30. Article of the Constables office.

See after also in the office of the Surueiours of the High wayes, for leuying those forfaitures, by the Churchwardeins if the Surueiors shall not leuie and employ the same within one yere after the offence committed.

7. If any person within this Realme shal (without lawfull licence) eate any flesh vppon any dayes nowe vsually obserued as fishdayes, or shall vppon any Wednesday nowe newly limited to bee obserued

Eate flesh.

as Fiſhday, haue aboue one diſh of fleſh, for which alſo he ſhall then haue three ſeuerall diſhes of Sea fiſh, ſhall forfait three pounds for euery ſuch offence, or elſe ſuffer three monethes imprisonment. And euerie perſon within whoſe houſe any ſuch offence ſhalbe done, and beeing priuie or knowing thereof, and not effectually diſcloſing the ſame to ſome Publike Officer hauing auctoritie to puniſh the ſame, ſhall for euery offence forfait fortie ſhillings: The thirde part of all which forfaitures ſhall be to the vſe of the Pariſh wherein the offence ſhall bee, and to be leuied by the Churchwardeins after any conuiction in that behalfe.

Licence to eate fleſh.

The licence for eating of fleſh, to be giuen to any perſon for notorious ſickneſſe, by the Biſhop of the Dioceſe, or by the parſon, Vicar, or Curate of the Pariſh, ought to be regiſtred (if that ſickneſſe ſhall continue aboue eight dayes after ſuch licence graunted) in the Church booke with the knowledge of one of the Churchwardeins there: and the partie licenced ſhall giue iiij. d. to the Curate for the entrie thereof. 5. El. cap. 5.

Deſtruction of vermine.

8 In euerie pariſh, the Churchwardeins, with ſixe other pariſhioners (to bee required by the Churchwardeins) ſhall yearely 8. El. ca. 1 & 14. El. ca. 11.

yearely in one of the holydayes in Easter weeke, and at euery other time when it shalbee needefull, sase and assesse euery person hauing the possession of any landes or tythes within that parish, to pay such summes of money as they shall thinke meete, according to the quantitie of such their landes or tythes. And if any such person do denie to pay the same, or do not pay the same (within fourteene dayes next after request therof made by the Churchwardeins, or one of them) then such person shal forfait for euerie time, v. shillings which (togither with the summe assessed) shalbee leuied by distresse of the goods and cattels of such person, to be taken by the Churchwardeins, or one of them, the same distresse to be ordered and vsed, as distresses taken for amerciaments in any Leets. And aswell the said summes as penalties, (if any of them be so leuyed,) shalbe yearly by the Churchwardeins or one of them, for the time being, deliuered by Billes indented to two honest and substantiall persons of the parish which shalbe elected and appointed by the Churchwardeins, and shalbe named. The distributers of the prouision for the destructiō of noysome foule and vermine. And if the saide Churchwardeins, sire persons, or Distributers, or

any of them, shall refuse, or make default in the execution of any part of this act, contrarie to the forme thereof, then such offendour shall forfait for euerie default x.li. the one mottie to the Queene, the other to him or them (vsing tillage yearely within the same shyre) that will sue therefore in any court of Recorde.

For the rest of the office of the Churchwardeines, concerning this matter, see afterward in the duetie of these Distributers. See also in Constables Artic. 25. for the Goale mony to be leuied by Churchwardeines.

The Office of the Supervisors, Surueighors, or Orderers of the workes for amending of the Highwayes

VPon the fire dayes appointed for wooding in the Highwayes in such sort as is before declared in the first Article of the Churchwardeins office, euerie person for euerie Plow land in tillage

2. & 3. Phil. & ca. 8. & El. cap.

or pasture that hee or they shall occupie in the same parish, and euerie other person keeping there a draught or plough, shall finde and sende, at euerie day and place to be appointed for the amending of ỳ wayes in the parish as is aforesaid, one waine or Cart, furnished after the customs of the countrey, with Oxen, Horses, or other cattell, and all other necessaries, meete to carie thinges conuenient for that purpose, and also two able men with the same, vpon paine of euerie draught making default tenne shillings. And euerie other housholder, and also euerie cotager and laborer of that parish, able to labour, and beeing no hired seruant by the yeare, shall by themselues or one sufficient labourer for euerie of them, vpon euerie of the saide fiue dayes, worke and trauel in the amendement of the said highwaies, vpon paine of euerie person making default to lose for euerie day twelue pence. And if the cariages of the parish or any of them shall not be thought needefull by the Superuisours to be occupied vpon any of the saide daies, that then euerie such person that shoulde haue sent any such cariage, shall sende to the saide worke for euerie cariage so spared, two able men there to labour for that day, vpon paine to lose for euerie man not

so sent to the saide worke twelue pence. And euerie person and carriage aboue saide, shall haue and bring with them such shouels, spades, pickes, mattocks, and other toles and instruments, as they doe make their owne ditches and fences withall, and such as be necessarie for their saide worke. And all the saide persons and carriages shall doe and keepe their works, as they shalbe appointed by the said Superuisours, or one of them, eight howers of euerie of the saide dayes, vnlesse they shall be otherwise licensed by the saide Superuisors or one of them.

From henceforth it shall and may be lawfull to all and singular Superuisor and Superuisors and orderers of the workes for the time being, for the amendment of the saide highwaies thereunto elected and appointed, according to the statute made in the second and third yere of King Philip and Quéene Marie, for the better reparation and amendement of the highwayes within their seuerall parishes and limites where they shall be so made Superuisors (if it shall be so to them thought necessarie) to take and carie away of the rubbish or smallest broken stones of any Quarrie, or Quarries lying or being within the parish where they shalbe Superuisors

sors without licence, controlement or impeachment of the owners or owner, so much as by their discretions shalbe deemed and iudged necessarie to the amendment of the said wayes. And that for default of any such Quarrie or Quarries, it shall and may be lawfull to euerie such Superuisor, or superuisors, for the vse aforesaide, in the seuerall grounds of any person or persons, being within the parish, and limits where they shalbe Superuisors, and nigh adioyning to the way or wayes wherein such reparations shalbe thought necessarie to be made, and wherein grauel, sand, or sinder is likelie to be found, to digge or cause to be digged, for grauell, sand, or sinder, and likewise to gather stones lying vpon any lands or grounds within the parish, and meete to be vsed to such seruice and purpose, and thereof to take and carie away so much as by discretion of the saide Superuisors shalbe thought necessarie to be imployed in the amendement of the saide high wayes. Prouided alwayes that it shall not be lawfull to any such Superuisor, or Superuisors, by vertue of this act, to cause any rubbish to be digged out of any Quarrie or Quarries, but onelie shal extend to such rubbish as shalbe found there readie digged by the owner or ow-

ners of the said quarrie or quarries, or otherwise by his or their licence and commaundement, nor shall not extende to giue auctoritie to any superuisour or superuisours to digge or cause to be digged, any grauell, sande, or sinder in the house, gardaine, orcharde, or medowe, of anie person or persons, nor that it shall be lawfull by this act to anie such Superuisor or Superuisors to cause anie more pits to be digged for grauell in any seuerall and inclosed ground than one onely, and that the same pitte or hole so digged for grauel as is aforesaide, shall not by any way bee in breadth or length aboue ten yardes at the most. And that euerie such Superuisor as shall cause any such pit to be made, and digged for grauell, sande, or sinder, as is aforesaide, shall within one moneth next after any such digging or pit made, cause the same to bee filled, and stopped vp with earth, at the cost and charges of ỳ Parishioners, vpon paine to forfait to the owner and owners of the soile, wherein any such pit shalbe made and digged, for euerie default, fiue markes.

From henceforth, euerie such superuisor & superuisors, as is aforesaid, shal by force of this act, within the parish or limits where he or they shalbe superuisors, 5. Eliz. 7

haue

haue full power & auctoritie to turne any such water course, or spring of water, being in any of the saide highwaies, into any ditch, or ditches of the seuerall ground or soyle of any person or persons whatsoeuer next adioyning to the saide wayes, in such manner and forme, as by the discretions of the said Superuisors shalbe thought meetest and most conuenient.

Such superuisor, or superuisors, for the time being within one moneth next after default or offence made, done, or committed by any person or persons, contrarie to the prouision, purporte, and true meaning of the estatute made (cõcerning highwaies) in the second and third yeare of king Philip and Quéene Marie, shall present euerie such default or offence to the next Iustice of Peace for the time being, vpon paine to forfaite for euerie such default and offence, in such sort not by them presented, xl. s.

Euerie person or persons (except such as shall dwell in the Citie of London) that shalbe assessed to the payment of anie subsedie to her Maiestie to v. li. in goods, or 40. s. in lands, or aboue, during all such time as he shal stand so assessed and not altered, and being none of the parties chargeable for the amendement of high-

wayes

wayes by any former lawe, but as a Cottager, shall finde two able men yearelie, to labour in the highwayes, at such dayes and times, as by the seuerall statutes thereof are limited and appointed. And euerie other that hereafter shall occupie a plough lande in tillage or pasture, lying and being in seuerall Parishes, shall be chargeable to the making of the wayes within the parish where he dwelleth, as farre forth, and in such maner and forme, as any person hauing a plough lande, in anie one parish, is or ought to be chargeable, by reason of ỹ said former statutes, or either of them. And euerie person or persons, occupying and keping in his or their hands or possessions, seuerall or diuerse plough lands, as aforesaide in seuerall or diuerse townes, shalbe charged to finde in eche towne or parish (where the plough lands being in his occupying doe lie) one Cart, Waine, Tumbrell, dung Pot, or Court, sleades, carres, or dragges, furnished for the amendment and repayring of the highwayes within the seuerall parishes where the saide plough lands doe lie, in such manner and forme, as if he or they were a Parishioner dwelling within the parishes, where the same seuerall plough landes doe lie.

Euerie

Euerie perſon or perſons, that ſhall not repaire, ditch, or ſcower any hayes, fences, ditches, or hedges adioyning to any highway or common fairing way, or ſhall not cut downe or keepe lowe all trées and buſhes, growing in or nert adioyning to any the ſaid wayes, according to the true intent and meaning of the act made in the fifth yeare of the Quéenes Maieſties raigne that now is, for euery offence committed therein, contrarie to the true intent thereof, ſhall forfait and loſe for euerie default ten ſhillings. And all and euerie perſon and perſons that ſhall occupie any landes adioyning to the ſaid ground, ſo adioyning to any ſuch high way, or common fairing way, where any dytching or ſcouring ſhould or ought to be as aforeſaide, ſhall from time to time, as neede ſhall require, ditch and ſcower in his and their ground ſo adioyning, wherby the water conueyed from the ſaid high way, or common fairing way, ouer the ground nert adioyning, may haue paſſage ouer the ſaid ground, ſo nert adioyning to that ground, vpon paine of forfeiture for euerie time ſo offending, for euerie rode not ſo ditched and ſcoured, xii.d.

No perſon or perſons hauing any ground by leaſe or otherwiſe, adioyning to

to any high way, or common fairing way, leading to any market towne, shall cast or scower anie ditch, and throwe, or lay the soyle thereof into the highway, and suffer it to lye there by the space of six monethes to the annoyance of the saide high way, or common fairing waie, vppon paine of forfeiture for euerie load of soyle, so cast into the high way, or common fairing way, in ditching or scowring xii.d. And where any heretofore haue beene so cast into the high way, or common fairing way, that there is a banke betweene the saide way and the ditch, it shalbe lawfull for the Surueiours and workemen, by the Lawes and Statutes of this Realme, appointed for the amendment of the sayde wayes, to make sewces or other deuises by their discretions, to conuey the water out of the saide way into the ditch: any lawe, right, interest, custome, or vsage, to the contrarie notwithstanding.

Euery penaltie, summe or summes of money forfaited for any cause within this statute, shalbe levied in euery parish by ỹ Surueiors of the wayes within that parish for the time being, by distresse, and sale of distresse, in manner and forme as fines or amerciaments in Leetes haue beene vsed, and the money so levied, to bee im-

ployed

ployed vppon the high way, or common fairing way where the offence was committed. And if the Surueiours shall not or will not leuie & employ the same within one yeare after the offence so committed, that then the said summe or summes, forfaiture or forfeitures, shalbee leuied in forme aforesaide, by the Constables or Churchwardeins of the towne or parish where the worke ought to be done in the highway (as aforesaide) and that he or they so leuying any of the said penalties or forfaitures, shall make and yelde such account as is appointed in the before recited statutes, or either of them.

THE

The office of the Distributers of the prouision for the destruction of noysome foule and Vermine.

THese Distributers beeing so chosen, and hauing money, (as is before shewed in the 8. Article of the Churchwardeines office) shall giue and pay of the same money so to them deliuered to euery person that shall bring to the any heads of old Crowes, Choughes, Pyes, or Rookes, taken within the seuerall parishes, for the heads of euery three of them a penie: and for the heads of euery sixe young Crowes, Choughes, Pies, or Rookes taken, as is aforesaid a penie, and for euerie vi. egges of anie of them vnbroken a penie: and likewise for euery xii. Staires heads a penie. All which said heads and egges, the said Distributers in some conuenient place shall keepe, and shall euery moneth at the least bring forth the same before the saide Churchwardeins and tarrie for three of them, and then

8. El. ca. & 14. El. cap. 2.

then and there to them ſhall make a true account in writing, what money they haue layed forth and paide for ſuch heads and egges, and for the heads of ſuch other rauenous birdes and vermine, as are hereafter in this act mentioned. That is to ſay: for euery head of Merton, Hauks, Furlekyt, Foldkyte, Buſſard, Schagge, Carmerant, or Ryngtaile ii. d. and for euerie two egges of them, a penie: for euery Iron or Oſprayes head, iiii. d. for the head of euerie Woodwall, Pye, Jay, Rauen, or Kyte, a penie: for the head of euerie birde, which is called the Kings fiſher i. d. for the head of euerie Bulfinch, or other birde, that deuoureth the blouth of fruite, one penie: for the heads of euerie Fox, or Otey, vii. d. and for the head of euerie Fichewe, Polcat, Weſell, Stote, Faire, Badge or Wild cat, i. d. for the heads of euerie Otter, or Hedgehogs, ii. d. for the heads of euerie iii. Rats, or vii. Mice. i. d. for the heads of euerie Foldwarpe, or want an halfe penie: for the heads of euery which birds and vermine laſt mentioned, the laſt Diſtributers ſhall like wiſe pay and giue to the bringer of them, for euerie head kild and taken within their ſeuerall pariſh, as before is limited, and ſhall keepe the ſame to be ſhewed

forth

forth vppon their account in maner and forme as is aforesaide. All which saide heads and egges shalbee forthwith after such account made in the presence of the said Churchwardeins, and Tarots, or of three of them, burned, consumed, or cut in sunder. And if vppon any account to bee made, in the end and determination of the office of any such Distributers, it shall appeare that anie summe of money is remaining in the handes of the saide Distributers, or any of them, then the same shalbe by Bill indented, as is aforesaid, deliuered ouer to such persons, as be or shalbee elected to the same Office, for the yeare next following, by them to bee distributed as is aforesaide. This shall not in any wise extende, to giue any libertie or auctoritie to any person or persons, to vse or exercise anie meanes or engine, for the destruction of Crowes, or Rookes, Choughes, or other the vermine aforesaid in any place or places, to the disturbance, let or destruction of the building or breeding of any kinde of Hawkes, Herons, Egrittes, Paupets, Swannes, or Shouelers: or to the hurt and destruction of any Dowes, Dowehouses, Weere, or Warren of Coneyes, nor extend to giue or appoint any summe or summes of money to

be

be giuen, payed, or distributed, to any person or persons, for the head or heads of any Buſard, Ringtaile, Herne, Polcat, Fitchewe, or Stote, taken in any Parke, Warren, or ground, employd to the maintenance of any game of Conies, or to any Stares taken in dowehouſes, nor to the killing or bringing the head of any Kite or Rauen, killed in any Citie or Towne Corporate, or within two miles of the ſame.

The Office and dutie of the Collectors, and ouerſeers, for the poore, ſetled in their abiding places.

THe Iuſtices of Peace in all the Shires of Englande and Wales, and the Maiors, bailifes, Shirifes, & other officers of the Cities, Boroughes & Franchiſes whereof they be Iuſtices of Peace, hauing appointed within the limites of their ſeuerall auctorities conuenient abiding places for ſetling of ỹ poore people, & hauing alſo aſſeſſed ỹ inhabitants within the ſame limites towards a weekelie contribution for the reliefe of the ſame poore people, ought then alſo to appoint collectours and ouerſeers for vne whole yeare: which ſaide Collectours ſhall gather the ſaide weekelie contribution, and ſhall make deliuerie of ſo much thereof to the ſaide poore people, as the ſaid Iuſtices, Maiors, Shyrfes, Bailifes, and other officers ſhall appoint them. And if the ſaide 14. El. & 18. cap. 3.

said Ouerseers shall refuse to be ouerseers, then euerie of them so offending shall forfaite tenne shillings for euerie such default. And if any person so appointed to be Collectour, shall refuse the said office, or shall (after he hath agréed to it) neglect the same, he shall lose for euerie offence to the vse of the poore of the same place forty shillinges.

14. El. & 18. cap. 3.

The saide Collectours, and euerie of them, to bee chosen, as is aforesaide, shall make their iust account halfe yearely of their saide collection and gathering, to two Iustices of the Peace, dwelling nert the saide abiding place or places, not beeing within any Citie, borough, or Towne Corporate: or to the Maiors or other chiefe Officers of such Cities or Townes Corporate, and when they goe out of their Offices, they shall deliuer or cause to bee deliuered forthwith vppon their accountes, all such surplusages of their Collection and gathering, as shall then remaine vndistributed to be ordered by the saide Iustices, Maiors, Bailifes, or other head Officers, vppon the paine of tenne poundes. If any such Collectour shall refuse to make his saide account, or neglect the same by the space of fourténe dayes after request to him therfore made:

then the saide two Iustices, or one of them, may commit the saide Collectour to the next Goale in the saide Countie, there to remain without Baile or Mainprise, til he haue made his saide account, and immediate payment, & deliuerie of all such Surplusages as he hath receiued.

No person or persons, hauing charge of any voyage in passing frō the Realme of Ireland, or from the Isle of Man into this Realme of England, do wittingly, or willingly transport, bring, carie or conueigh, or suffer to be trāsported, brought, carried, or conueighed, in any ship, picard, vessel, boate, or boates from and out of the saide Realme of Irelande, or from, or out of the saide Isle of Man, into the Realme of England, or Wales, or any part thereof, any Vagabond, Rogue, or Begger, or any such as shalbe forced, or verie like, to liue by begging within the Realmes of England or Wales, being borne in the Realme of Irelande, or in the saide Isle of Man, on paine of euerie such person or persons, so bringing, transporting, carrying and conueyghing, either suffering to be brought, transported, caryed, and conueighed in manner and forme aforesaide, to forfeit and lose for euerie such Vagabond, Rogue, Begger, or other person,

son which shall be forced, or like, to live by begging within this Realme of England or Wales, being transported, and set on lande in any parte of England or of Wales, twentie shillinges of lawfull English money, to the vse of the poore of the same parish in which they were set on lande, to be leuied by the Collectours of the same poore for the time being, by seasure and selling of any of the goods and cattels of the same person which shall so dying, transport, carie, or conueigh, any such Rogue, Vagabond, or Begger, or other person which shall bee forced, or like to liue by begging, within the Realme of Englande or of Wales, to the vse of the same forfaiture.

The Office of the Collectours and Gouernours of the poore.

IN euery Citie and towne Corporate within this Realme, a competent store & stocke of Woll, Hempe, Flax, Iron, or other stuffe by the appointment and order of the Maior, Bailifes, Iustices, or other head Officers, hauing rule in the said Cities or Townes Corporate (of themselues, and all other inhabitantes within their seuerall auctorities, to bee taxed, leuied, and gathered) shall bee prouided. And that likewise, in euery other Market towne or other place, within euerie countie of this Realme, (where to the Iustices of the Peace, or greater part of them, in their generall Sessions yearely next after Easter, within euerie limit shall bee thought meete and conuenient) a like competent store and stocke of Woll, Flax, Iron, or other stuffe, as the countrey is most meete for, by appointment and order of the saide Iustices of Peace, or the greater part 18 El.

part of them in their generall Sessions, (of all the inhabitants within their seuerall auctorities, to be tared, leuied, and gathered) shall bee prouided. The saide stores and stockes, in such Cities and townes corporate, to be committed to the hands & custodie of such persons, as shall by the Maior, Bailifes, Iustices, or other head Officers, hauing auctoritie in euery such Citie or Towne Corporate, bee appointed: and in other townes and places, to such persons, as to the saide Iustices of Peace, or the greater part of them in their said generall Sessions of the peace in their seuerall Counties shall bee by them appointed. Which saide persons so appointed as aforesaide, shall haue power & auctoritie (by the aduise of them who doe appoint them) to dispose, order, and giue rules, for the diuision and maner of working of the saide stockes and stores, who shall from henceforth be called, the Collectors and Gouernors of the poore, to the intent euery such pore and needie person, olde or young, able to doe any worke, standing in necessitie of reliefe, shall not for want of worke goe abroade, either begging, or committing pilfringes, or other misdemeanour liuing in idlenesse: which Collectors and Gouernors of the

powre, from time to time (as cause requi-
reth) shall and may of the same stocke and
store, deliuer to such poore and needie per-
son, a competent portion, to be wrought
into yarne or other matter, within such
time, and in such sort, as in their discreti-
ons shalbe from time to time limited and
prescribed, and the same afterwardes being
wrought, to be from time to time deliue-
red to the saide Collectors and Gouernors
of the powre: for which they shal make pai-
ment to them that worke the same, accor-
ding to the desert of the worke: and shall
of newe deliuer more to be wrought, and
so from time to time to deliuer stuffe vn-
wrought, and to receiue the same againe
wrought, as oft as cause shall require:
which Hempe, Woll, Flax, or other stuffe,
wrought, from time to time shalbe solde
by the saide Collectors and gouernours of
the powre, either at some Market, or other
place, and at such time as they shal thinke
meete, and with the money comming of
the sale, to buy more stuffe, in such wise as
the stockes or store shall not be decayed in
value. And if hereafter any such person
able to do any such worke, shall refuse to
worke, or shall go abroad, begging, or line
idlely, or taking such worke shal spoyle or
imbesel the same, in such wise, that (after

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monition giuen) the Minister or Churchwardeins of the parish, and Collectors and Gouernours of the poore, or the more part of them, shall thinke the same person not méete to haue any more worke deliuered out of the same store or stocke, that then vpon Certificat made vnder their handes, and brought by one of the saide Collectors and gouernours of the poore, to the hands of such person or persons as shall in that countie haue the ouersight and gouernement of one of the houses of Correction, in conuenient apparell méete for such a body to weare, hée, shée, or they, from such towne place or parish shalbee receiued into such house of correction, there to be streitly kept, as wel in diet, as in worke, & also punished from time to time, as to the sayde persons, hauing the ouersight & gouernement of the saide house of Correction shall be appointed, as hereafter is declared. All which stockes and stores, shall be prouided and deliuered to the hands of the said Collectours and gouernours of the poore, at all times hereafter as occasion shall serue.

THE

The duties of the Censors (or Wardeins,) and of the Collectors for the houses of Correction.

WIthin euerie countie of this realme, one, two or more abiding houses, or places conuenient in some Market towne, or corporate towne, or other place or places, by purchase, lease, building or otherwise, by the appointment and order of the Iustices of Peace, or the more part of them in their generall Sessions (of the inhabitants within their seuerall auctorities to be tared, lented, & gathered) shalbe prouided, & called the house, or houses of Correction: and also stocke & store, & implements, to be in like sort also prouided, for setting on worke and punishing, not onely of those which by the Collectors and gouernors of the poore, for causes aforesaide to the said houses of correction, shalbe brought, but also of such as be, or shalbe inhabiting in no parish, or be, or shalbe taken as Rogues, or once punished as Rogues, & by reason of the vncertaintie

certaintie of their birth, or of their dwelling by the space of three yeares, or for any other cause, ought to be abiding and kept within the same cõtie: which said House or houses of Correction, with stockes stores, and implementes appointed for such houses of Correctiõ, shalbe prouided in euerie countie, within such time as to the Iustices of peace, or the more part of them, in their saide generall Sessions of the peace in euerie Countie, within their seuerall iurisdictions, shalbe thought mete and conuenient, so as it exceede not two yeares after taration in such countie for that purpose made, or else the money leuied to be repayed: And that euerie person refusing to pay, or not paying such sum of money, towards the making obteining and furnishing of the said houses of Correction, and buying of stocks, and stores, and for the relieke and sustentation of such persons as shall be appointed to the saide houses of Correctiõ, as vpon the or any of them, shall be (by order aforesaide) tared, at such time, (as by the same order shal be appointed) shal for euery default forfait double so much as he or they shalbe so tared vnto. And the said Iustices of peace, or the more part of the in their said generall sessions, in euerie countie, shall and may

appoint

appoint frō time to time, persons which shall be Ouerseers of euerie such house of Correctiō, which said persons shal be called the Censors and wardeins of the houses of correction, and shall haue the rule, gouernement, and order of such houses of Correction, according to such orders as by the said Iustices of peace, or the more part of them, in their general Sessions in euery countie, shall be prescribed, And the said Iustices shall also appoint others for the gathering of such money, as shall be taxed vpon any person or persons within their seueral iurisdictions, towardes the maintenance of the saide houses of Correction, which shall be called the collectors for the houses of correction: and if any person or persons refuse to be Collector and gouernour of the poore, or Censor and wardein, or Collector of or for any the houses of Correction, euerie person so refusing, shal forfaite & loose the summe of fiue pound. And all and singular person and persons, appointed by the auctoritie of this act to be any Collector and gouernour of the poore, or Censor & wardein, or Collector for any the houses of Correction in any countie, citie, towne corporate, or other place in this Realme, shal as often as they or any of them shall be called thereto by ye

persons

persons hauing the appointment of them, make a iust account of all such summe or summes of money or other things, as they or any of them haue gathered, had, or raised in commoditie, within their seuerall collections or charge: and if any such Collectour or gouernour of the poore, Collector, Censor, or Wardein of or for the houses of Correction, refuse to make such account, or neglect the same by the space of xiiij. dayes next after request therefore to him made, or shall not within one weeke, after such account rendred, yeeld and pay ẏ whole arrearages, which he or they (vpon such account) shall be found in, to such person or persons, as they shalbe appointed vnto, by them before whom their saide account shalbe taken: that then the saide Collector, Gouernor, Censor, or Wardein, to be committed to any vsual Gaole within the said countie, there to remaine without baile or mainprise, till he haue made his account and paiment of such arrearages as he hath receiued: vpon the making of which account, it shall ẏ may be lawful to such persons as haue the appointment of the said Collectors and gouernors of the poore, Censors, wardeins and Collectors of the houses of Correction (euerie of them within their auctoritie) to allow, as well such

such reasonable allowance to every the saide Collectours and Gouernours of the poore, Censors, Wardeins and Collectors, of the houses of correction, for such money as they or any of them haue imployed or disbursed in the execution, of the saide seuerall offices, as also such reasonable fees and wages for their paines taken in that behalfe, as to them shall be thought conuenient and reasonable,

FINIS.